

**RULES
OF
THE TENNESSEE DEPARTMENT OF HUMAN SERVICES
ADMINISTRATIVE PROCEDURES DIVISION**

**CHAPTER 1240-5-12
ADOPTION OF RULES**

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1240-5-12-.01 PROPOSAL OF RULES.

- (1) The Department shall adopt such rules as it deems necessary to secure satisfactory compliance with the provisions of any state or federal statutes, regulations or waivers for any programs that are within the responsibilities, authority and duties of the Department of Human Services.
- (2) The Commissioner shall cause to be prepared a notice of the proposal of such rules, or of any amendments or repeals of existing rules which shall be published as required by law; provided, public necessity or emergency rules that may be authorized by law shall not require publication of the notice prior to their implementation upon approval by the Attorney General and Reporter, but such rules shall comply with all other notice and hearing provisions that may be necessary to make those rules permanent that are required by law subsequent to the implementation of the public necessity or emergency rules.

Authority: T.C.A. §§ 4-5-202, 4-5-207 and 71-1-105(12).. **Administrative History:** Original rule filed January 19, 1977; effective February 18, 1977. Amendment filed December 17, 1982; effective March 17, 1983. Amendment filed February 26, 2007; effective May 12, 2007.

1240-5-12-.02 LEGAL AUTHORIZATION FOR RULES AND PROCEDURE FOR RULEMAKING.

The Department of Human Services' rules will be promulgated in accordance with the requirement of Title 4, Chapter 5 of the Tennessee Code Annotated, the provisions of state or federal laws, regulations or waivers governing the operation of the Department's programs and the rules of the Secretary of State's Administrative Procedures Division regarding the procedures for promulgating regulations for agencies of the State of Tennessee.

Authority: T.C.A. §§ 4-5-202 and 71-1-105(12). **Administrative History:** Original rule filed January 19, 1977; effective February 18, 1977. Amendment filed December 17, 1982; effective March 17, 1983. Amendment filed February 26, 2007; effective May 12, 2007.

1240-5-12-.03 PUBLIC ACCESS TO RULES AND REGULATIONS.

- (1) The Department shall keep at its principal office, or publish on its website, a complete and current set of rules and regulations of the Department and its rules shall constitute public records.
- (2) It shall be the duty of the Department to keep a supply of copies of its rules and to furnish printed copies of such rules upon the request of any interested persons. The Department may charge a reasonable fee for providing copies as provided in T.C.A. § 4-5-218 and Tennessee Department of Human Services Rules, Chapter 1240-9-1.

(Rule 1240-5-12-.03, continued)

Authority: T.C.A. §§ 4-5-202, 4-5-218 and 71-1-105(12). **Administrative History:** Original rule filed January 19, 1977; effective February 18, 1977. Amendment filed December 17, 1982; effective March 17, 1983. Amendment filed February 26, 2007; effective May 12, 2007.

1240-5-12-.04 PETITION FOR RULES.

Except where the right to petition for a rule is restricted by statute to a designated group or except where the form or procedure for such petition is otherwise prescribed by statute, any municipality, corporation or any five (5) or more persons having an interest in a rule may petition the Department of Human Services requesting the adoption, amendment or repeal of such rule. The petition shall follow the requirements of T.C.A. § 4-5-201.

Authority: T.C.A. §§ 4-5-201 and 71-1-105(12). **Administrative History:** Original rule filed January 19, 1977; effective February 18, 1977. Amendment filed December 17, 1982; effective March 16, 1983. Amendment filed February 26, 2007; effective May 12, 2007.